

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 90-10, AS AMENDED, KNOWN AS THE ADEQUATE PUBLIC FACILITIES ORDINANCE; AMENDING SECTION III - DEFINITIONS; PROVIDING FOR A DEFINITION OF AGREEMENT; SECTION VII - THE REGULATORY PROGRAM; PROVIDING FOR ADDITIONAL EXEMPTION; PROVIDING FOR A UNIFIED PLANNING AREA; PROVIDING FOR BUILDING PERMIT APPLICATIONS; PROVIDING FOR CONDITIONS ON CERTIFICATES OF CONCURRENCY RESERVATIONS; PROVIDING FOR SMALL SCALE CONCURRENCY REVIEW; PROVIDING FOR CONCURRENCY REVIEW BOARD STANDARD OF REVIEW; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 89-35, the Concurrency Exemption Ordinance, as amended by Ordinance No. 90-31, provides for the establishment of a Unified Planning Area for concurrency purposes; and

WHEREAS, under the criteria set forth in Ordinance No. 90-31, the taxing units within the Acreage were combined into a Unified Planning Area; and

WHEREAS, Palm Beach County recognizes the efforts of the Unified Planning Area to establish and maintain concurrency; and

WHEREAS, Palm Beach County wishes to encourage unified planning and the Unified Planning Area provides a vehicle through which this can occur; and

WHEREAS, unified planning is consistent with state and regional goals in providing public facilities adequate to meet the needs of development at the time the development impacts upon the facilities; and

WHEREAS, it is necessary to place conditions on concurrency reservations or to enter into binding agreements in order to ensure that concurrency is met.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Palm Beach County, Florida, that Ordinance No. 90-10 is hereby amended as follows:

1 **Section 1:** Section III Definitions is amended as follows:

2 **A. Adequate Public Facilities Determination** - means a
3 Determination approved by the Planning Director pursuant to the
4 terms of this Ordinance that serves as a statement that based
5 upon existing Public Facility capacity and planned Public
6 Facility capacity, adequate Public Facilities are available to
7 serve the development at the time of the approval of the
8 Adequate Public Facilities Determination. An Adequate Public
9 Facilities Determination shall only be valid for the life of
10 the individual development order for which it is approved, and
11 shall in no way be considered a Certificate of Concurrency
12 Reservation, nor shall it be a guarantee that a Certificate of
13 concurrency Reservation shall be issued. No subdivision or
14 plat, or building permit shall be issued to a development for
15 which an Adequate Public Facilities Determination has been
16 issued, without receipt of a Certificate of Concurrency
17 Reservation.

18 **B. Agreement** - means a Development Agreement, public
19 facilities agreement, or other binding agreement entered into
20 between the applicant and Palm Beach County or other service
21 providers for the purpose of assuring compliance with the level
22 of service standards set forth herein. The form of the
23 Agreement may include, but not be limited to a Development
24 Agreement pursuant to Section 163.3220, Florida Statutes, or a
25 Development Order issued pursuant to Section 380.01, et. seq.,
26 Florida Statutes.

27 **B.C. Application for Development Permit** - means an
28 application submitted to Palm Beach County requesting the
29 approval of a Development Permit.

30 **C.D. Capital Drainage Facilities** - means the planning of,
31 engineering for, acquisition of land for, or the construction
32 of drainage facilities necessary to meet the LOS for Capital
33 Drainage Facilities.

34 **D.E. Capital Fire-Rescue Facilities** - means the planning,
35 engineering for, acquisition of land for, or the construction

1 of fire-rescue facilities and the purchase of equipment
2 necessary to meet the LOS for Capital Fire-Rescue Facilities.

3 F-F. Capital Improvement Element - means the Capital
4 Improvement Element of the Palm Beach County Comprehensive
5 Plan.

6 F-G. Capital Mass Transit Facilities - means the planning
7 of, engineering for, acquisition of land for, or the
8 construction of or purchase of mass transit facilities and
9 equipment necessary to meet the LOS for Capital Mass Transit
10 Facilities.

11 G-H. Capital Recreation and Park Facilities - means the
12 planning of, engineering for, acquisition of land for, or
13 construction of buildings and park equipment necessary to meet
14 the LOS for Urban Capital Park and Recreation Facilities and
15 Rural Capital Park and Recreation Facilities.

16 H-I. Capital Road Facilities - means the planning of,
17 engineering for, acquisition of land for, or construction of
18 roads on the Major Road Network System necessary to meet the
19 LOS for Capital Road Facilities.

20 I-J. Capital Potable Water Facilities - means the planning
21 of, engineering for, acquisition of land for, or construction
22 of potable water facilities necessary to meet the LOS for
23 Capital Potable Water Facilities.

24 J-K. Capital Sanitary Sewer Facilities - means the
25 planning of, engineering for, acquisition of land for, or
26 construction of sanitary facilities necessary to meet the LOS
27 for Capital Sanitary Sewer Facilities.

28 K-L. Capital Solid Waste Facilities - means the planning
29 of, engineering for, acquisition of land for, or construction
30 of solid waste facilities necessary to meet the LOS for Capital
31 Solid Waste Facilities.

32 L-M. Certificate of Concurrency Reservation - a
33 Certificate with or without conditions approved by the Planning
34 Director pursuant to the terms of this Ordinance, that
35 constitutes proof of adequate public facilities to serve the

1 proposed development, when all conditions have been met. A
2 subsequent application for a Development Permit for development
3 for which a Certificate of Concurrency Reservation has been
4 approved, shall be determined to have adequate public
5 facilities as long as the development order for which the
6 Certificate of Concurrency Reservation was approved has not
7 expired, and the development is not altered to increase the
8 impact of development on public facilities.

9 M-N. Comprehensive Plan - means the Palm Beach County
10 Comprehensive Plan, as amended, where referenced in this
11 Ordinance.

12 N-O. Conditional Certificate of Concurrency Reservation -
13 an application for a Certificate of Concurrency Reservation
14 considered in conjunction with a Development Agreement, public
15 facility agreement or other binding agreement that is approved
16 by the Planning Director, if it is demonstrated that: (a) all
17 existing available public facility capacity up to, but not
18 greater than an amount sufficient to serve the proposed
19 development has been reserved; (b) there is reasonable
20 likelihood that the balance of the public facility needed for
21 the proposed development can be provided pursuant to an
22 ~~Development~~ Agreement; and (c) a request has been made for
23 consideration and approval of an ~~Development~~ Agreement
24 concurrent with the application for Development Permit so that
25 the proposed development will comply with the Adequate Public
26 Facility Standards for a Certificate of Concurrency Reservation
27 in Sec. VII.C.6.

28 O-P. Developer - means any person, including a
29 governmental agency, undertaking any developments as defined in
30 this Ordinance.

31 P-Q. Development - has the meaning given in it in Sec.
32 380.04, Fla. Stat., except for the clearing of land or the
33 deposit of refuse, solid or liquid waste, except when a
34 development order is required.

1 Q-R. Development Agreement - means an agreement entered
2 into between a local government or other service provider and
3 a person associated with the development of land, ~~including,~~
4 ~~but not limited to Development Agreements~~ pursuant to Sec.
5 163.3220, Fla. Stat., or an agreement on a development order
6 issued pursuant to Sec. 380.01 et. seq., Fla. Stat.

7 R-S. Development Order - means any order granting with
8 conditions an application for a development permit.

9 S-T. Development Permit - includes any rezoning, special
10 exception, special permit, site plan, subdivision plat,
11 building permit, or any other official action of Palm Beach
12 County having the effect of permitting the development of land.

13 T-U. Level of Service (LOS) - means an indicator of the
14 extent or degree of service provided by, or proposed to be
15 provided by a Public Facility based on and related to the
16 operational characteristics of the Public Facility.

17 U-V. LOS for Urban Service Area - means the LOS
18 established for those areas identified as the Urban Service
19 Area in the Future Land Use Atlas of the Palm Beach County
20 Comprehensive Plan.

21 V-W. LOS for Rural Service Area - means the LOS
22 established for the areas identified as the Rural Service Area
23 in the Future Land Use Atlas of the Palm Beach County
24 Comprehensive Plan.

25 W-X. LOS for Urban Capital Park and Recreation Facilities

26 X-Y. LOS for Rural Capital Park and Recreation Facilities

27 - Definition remains the same as in original Ordinance No. 90-
28 10.

29 Y-Z. LOS for Urban Capital Potable Water Facilities -

30 Definition remains the same as in original Ordinance No. 90-10.

31 Z-AA. - LOS for Rural Capital Potable Water Facilities -

32 Definition remains the same as in original Ordinance No. 90-10.

33 AA-AB. - LOS for Capital Road Facilities - Definition

34 remains the same as in original Ordinance No. 90-10.

1 AB-AC. - LOS for Capital Mass Transit Facilities -
2 Definition remains the same as in original Ordinance No. 90-10.

3 AC-AD - LOS for Urban Capital Sanitary Sewer Facilities -
4 Definition remains the same as in original Ordinance No. 90-10.

5 AD-AE. - LOS for Rural Capital Sanitary Sewer Facilities -
6 Definition remains the same as in original Ordinance No. 90-
7 10.

8 AE-AF. - LOS for Capital Solid Waste Facilities -
9 Definition remains the same as in original Ordinance No. 90-10.

10 AF-AG. - LOS for Capital Fire-Rescue Facilities -
11 Definition remains the same as in original Ordinance No. 90-10.

12 AG-AH. - LOS for Capital Drainage Facilities - Definition
13 remains the same as in original Ordinance No. 90-10.

14 AH-AI. - Major Road Network System - Definition remains
15 the same as in original Ordinance No. 90-10.

16 AI-AJ. - Person - Definition remains the same as in
17 original Ordinance No. 90-10.

18 AJ-AK. - Public Facilities - Definition remains the same
19 as in original Ordinance No. 90-10.

20 Section 2 - Section VII - The Regulatory Program: Review
21 of Development to Ensure Adequate Public Facilities Are
22 Available, is amended as follows:

23 B. Exemptions.

24 6. Official list of additional specific permit types
25 which are deemed to have no impact on public facilities.

26 C. Unified Planning Area.

27 1. If a Unified Planning Area as established pursuant to
28 Ordinance No. 89-35, the Concurrency Exemption Ordinance, as
29 amended, is adopted and implemented by the Board of County
30 Commissioners, through resolution, such Unified Planning Area
31 shall be considered concurrent for purposes of this Ordinance
32 through the date specified in the resolution, provided:

33 (a) The terms of the resolution adopting and
34 implementing the Unified Planning Area
35 are being met in good faith; and
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37
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1 (b) The impacts of the Unified Planning Area
2 on the public facilities have been
3 addressed.

4
5 2. Concurrency for the Unified Planning Area shall
6 be maintained providing 1a and b have been met, regardless of
7 the impact of subsequently approved or background traffic which
8 may generate traffic on Unified Planning Area, affected
9 roadways or other public facilities.

10 ED. Review to Determine Public Facility Adequacy.

11 1. General. After the effective date of this Ordinance,
12 no application for a Development Permit shall be certified or
13 accepted, whichever is applicable, without receipt of either a
14 Concurrency Exemption Determination, an Adequate Public
15 Facilities Determination, a Certificate of Concurrency
16 Reservation, a Conditional Certificate of Concurrency
17 Reservation, or Entitlement Density. The applicant may elect
18 whether to gain approval of an Adequate Public Facilities
19 Determination, a Certificate of Concurrency Reservation, or a
20 Conditional Certificate of Concurrency Reservation pursuant to
21 the terms of this Ordinance, except that no application for a
22 Development Permit for subdivision or plat, or building permit,
23 shall be accepted without receipt of a Certificate of
24 Concurrency Reservation or an exemption.

25 2. Notwithstanding Paragraph 1, above, a building permit
26 application may be accepted without concurrency approval, if
27 the applicant provides the following:

28 a. Proof that a complete application for a
29 concurrency reservation has been filed and
30 accepted by the Planning Division.

31
32 b. A notarized Affidavit which acknowledges that
33 the acceptance of the application does not
34 guarantee approval of concurrency or the
35 building permit and that one half (1/2) of the
36 permit fee shall be paid upon application and
37 shall be non-refundable.

38
39 (3)-(2). Rules of General Applicability.

40 a. Timing. An application for an Adequate Public
41 Facilities Determination or a Certificate of Concurrency
42 Reservation may be submitted at any time during the year.

1 b. Assignability and Transferability. A
2 Certificate of Concurrency Reservation shall be assignable
3 within a proposed development, but shall not be assignable or
4 transferrable to other development.

5 c. Expiration Prior to Receipt of Development
6 Order. An Adequate Public Facilities Determination shall
7 expire after three (3) months if an application for a
8 Development Permit is not submitted for the proposed
9 development for which the Adequate Public Facilities
10 Determination has been approved. A Certificate of Concurrency
11 Reservation shall expire after one (1) year if a Development
12 Order is not issued for the development for which the
13 Certificate was approved. A Conditional Certificate of
14 Concurrency Reservation shall expire after one (1) year, if the
15 Development Agreement and the application for Development
16 Permit, for which it has been approved, is not reviewed and
17 approved.

18 d. Phasing. In determining whether an application
19 for Certificate of Concurrency Reservation complies with the
20 requirements of Sec. VII.C.6, the Planning Director may
21 consider the phasing of development and its coordination with
22 Public Facility Capital Improvements for a period of up to five
23 (5) years, or some other period consistent with the terms of a
24 Development Agreement.

25 e. Expiration and Effect.

26 (1) Adequate Public Facilities Determination.
27 An Adequate Public Facilities Determination is initially valid
28 for three (3) months during which time an application for
29 Development Permit must be submitted for the proposed
30 development for which the determination was approved. If a
31 Development Order is approved, the Adequate Public Facilities
32 Determination is valid for the life of that initial Development
33 Order. Each subsequent application for a Development Permit,
34 (except those developments exempted pursuant to Sec. VII.B),
35 for the development shall be required to receive a new Adequate

1 Public Facilities Determination, a Certificate of Concurrency
2 Reservation, or a Conditional Certificate of Concurrency
3 Reservation, whichever is appropriate. An Adequate Public
4 Facilities Determination shall only be valid for the life of
5 the individual Development Order for which it is approved, and
6 shall in no way be considered a Certificate of Concurrency
7 Reservation. No subdivision or plat, or building permit shall
8 be issued to a development for which an Adequate Public
9 Facilities Determination has been issued, without receipt of a
10 Certificate of Concurrency Reservation.

11 (2) Certificate of Concurrency Reservation. A
12 Certificate of Concurrency Reservation is initially valid for
13 one (1) year during which time a Development Order must be
14 issued for the development for which the Certificate was
15 approved. If a Development Order is approved for the
16 Certificate during that first year, the Certificate of
17 Concurrency Reservation is valid for the life of the
18 Development Order for which it is originally approved, provided
19 all conditions have been met. The Certificate of Concurrency
20 Reservation is then valid for the life of subsequent
21 Development Orders for the same development, if the subsequent
22 Development Orders are approved prior to expiration of the
23 earlier Development Order for the development, and the
24 development is not altered to increase the impact of the
25 development on Public Facilities. The expiration of a
26 Development Order shall result in the expiration of the
27 Certificate of Concurrency Reservation.

28 (3) Conditional Certificate of Concurrency
29 Reservation. An application for a Certificate of Concurrency
30 Reservation considered in conjunction with an ~~Development~~
31 Agreement may be conditionally approved as a Conditional
32 Certificate of Concurrency Reservation if: (a) all existing
33 Public Facility capacity up to, but not greater than the amount
34 sufficient to serve the development has been reserved; (b)
35 there is reasonable likelihood that the balance of the Public

1 Facility Capital Improvements identified to provide the
2 remaining capacity needed for the proposed development can be
3 provided pursuant to an ~~Development~~ Agreement; and (c) a
4 request has been made for consideration and approval of a
5 Development Agreement concurrent with the application for
6 Development Permit to ensure the proposed development complies
7 with the Adequate Public Facility Standards for a Certificate
8 of Concurrency Reservation in Sec. VII.C.6. Prior to the
9 review Board consideration of the ~~Development~~ Agreement in
10 conjunction with the development application, the Planning
11 Director shall review that component of the ~~Development~~
12 Agreement related to the provision of Adequate Public
13 Facilities for the proposed development and determine if
14 through prior reservation of Public Facility capacity and their
15 terms of the proposed ~~Development~~ Agreement, the Adequate
16 Public Facility Standards for a Certificate of Concurrency
17 Reservation in Sec. VII.C.6 are met if the terms of the
18 ~~Development~~ Agreement are approved. If the Planning Director
19 determines that the standards of Sec. VII.C.6 are met, if the
20 ~~Development~~ Agreement is approved, a Certificate of Concurrency
21 Reservation shall be issued, conditioned on the approval of the
22 ~~Development~~ Agreement with the express terms related to the
23 provision of the Public Facilities for the proposed
24 development. Upon approval of the ~~Development~~ Agreement
25 consistent with the terms and conditions which the Planning
26 Director determined would ensure compliance with the
27 requirements of Sec.VII.C.6, the Certificate of Concurrency
28 Reservation shall become final. A Certificate of Concurrency
29 Reservation is valid for the life of the Development Order for
30 which it is approved. The Certificate of Concurrency
31 Reservation is then valid for the life of subsequent
32 Development Orders for the same development, if the subsequent
33 Development Orders are approved prior to the expiration of the
34 earlier Development Order for the project, and the Development
35 Order is not altered to increase the impact of the development

1 on Public Facilities. The expiration of the Development Order
2 shall result in the expiration of the Certificate of
3 Concurrency Reservation. If the ~~Development~~ Agreement upon
4 which a Certificate of Concurrency Reservation is conditionally
5 issued is denied, then the Certificate of Concurrency
6 Reservation shall expire.

7 (f) Effect.

8 (1) Adequate Public Facilities Determination.

9 An Adequate Public Facilities Determination shall serve as a
10 statement that based upon existing public facility capacity and
11 planned public facility capacity, adequate public facilities
12 are available to serve the development at the time of the
13 approval of the Adequate Public Facilities Determination. A
14 subsequent application for a Development Permit for development
15 that has been approved based upon an Adequate Public Facilities
16 Determination shall be required to receive a new Adequate
17 Public Facilities Determination or Certificate of Concurrency
18 Reservation, whichever is appropriate. An Adequate Public
19 Facilities Determination shall only be valid for the individual
20 Development Order for which it is approved, and shall in no way
21 be considered a Certificate of Concurrency Reservation. No
22 subdivision or plat, or building permit shall be issued to a
23 development which an Adequate Public Facilities Determination
24 has been issued, without receipt of a Concurrency Reservation.

25 (2) Certificate of Concurrency Reservation.

26 Receipt of a Certificate of Concurrency Reservation without
27 conditions shall constitute proof of adequate public facilities
28 to serve the proposed development. A Certificate of
29 Concurrency Reservation with conditions shall constitute proof
30 of adequate public facilities to serve the proposed development
31 only when all conditions have been met. A subsequent
32 application for a Development Permit for development for which
33 a Certificate of Concurrency Reservation has been approved,
34 shall be determined to have Adequate Public Facilities as long
35 as the development order for which the Certificate of

1 Concurrency Reservation was approved has not expired, and the
2 development is not altered to increase the impact of the
3 development on Public Facilities.

4 (3) Conditional Certificate of Concurrency
5 Reservation. Receipt of a Conditional Certificate of
6 Concurrency Reservation is a statement that an application for
7 a Certificate of Concurrency Reservation, considered in
8 conjunction with an ~~Development~~ Agreement, has been
9 conditionally approved by the Planning Director because it is
10 demonstrated that: (a) all existing available public facility
11 capacity up to, but not greater than an amount sufficient to
12 serve the proposed development has been reserved; (b) there is
13 reasonable likelihood that the balance of the Public Facility
14 Capital Improvements identified to provide the remaining
15 capacity needed for the proposed development can be provided
16 pursuant to the ~~Development~~ Agreement; and (c) a request has
17 been made for the consideration and approval of an ~~Development~~
18 Agreement concurrent with the application for Development
19 Permit to ensure compliance with the Adequate Public Facility
20 Standards for a Certificate of Concurrency Reservation in Sec.
21 VII.C.6. Prior to the review Board's consideration of the
22 ~~Development~~ Agreement in conjunction with the development
23 application, the Planning Director shall review that component
24 of the ~~Development~~ Agreement related to the provision of
25 Adequate Public Facilities for the proposed development, and
26 determine if through prior reservation of Public Facility
27 Capacity and the terms of the proposed ~~Development~~ Agreement,
28 the Adequate Public Facility Standards for a Certificate of
29 Concurrency Reservation in Sec. VII.C.6 are met, if the terms
30 of the ~~Development~~ Agreement are approved and met. If the
31 Planning Director determines that the standards of Sec. VII.C.6
32 are met, if the ~~Development~~ Agreement is approved, a
33 Certificate of Concurrency Reservation shall be issued,
34 conditioned on the approval of the Agreement with the express
35 terms related to the provision of the public facilities for the

1 proposed development. Upon approval of the Agreement
2 consistent with the terms and conditions which the Planning
3 Director determined would ensure compliance with the
4 requirements of Sec. VII.C.6, the Certificate of Concurrency
5 Reservation shall become final. A Certificate of Concurrency
6 Reservation is valid for the life of the Development Order for
7 which it is approved. The Certificate of Concurrency
8 Reservation is then valid for the life of subsequent
9 Development Orders for the same development. If the subsequent
10 Development Orders are approved prior to the expiration of the
11 earlier Development Order for the project, and the Development
12 Order is not altered to increase the impact of the development
13 on public facilities. The expiration of the Development Order
14 shall result in the expiration of the Certificate of
15 Concurrency Reservation. If the ~~Development~~ Agreement upon
16 which the Certificate of Concurrency Reservation is
17 conditionally issued is denied, then the Certificate of
18 Concurrency Reservation shall expire.

19 (g) Amendment of Certificate of Concurrency
20 Reservation. An amendment to a Certificate of Concurrency
21 Reservation shall be required prior to the approval of any
22 amendment to a Development Order for which a Certificate of
23 Concurrency Reservation has been approved if the amendment
24 increases or decreases the need for capacity for any Public
25 Facility (Potable Water, Sanitary Sewer, Solid Waste, Drainage,
26 Parks and Recreation, Roads, Mass Transit, and Fire Rescue).
27 The amendment of a Certificate of Concurrency Reservation shall
28 only require evaluation and reservation of the additional
29 Public Facility Capacity demanded by the proposed development
30 or evaluation and modification of the reservation of the Public
31 Facility Capacity if the demand is decreased. An amendment
32 shall be required if there is a decrease in the density or
33 intensity of development approved in a Development Order. Any
34 amendment to a Development Order for which an Adequate Public
35 Facilities Determination has been approved shall require a new

1 Adequate Public Facilities Determination or a Certificate of
2 Concurrency Reservation, whichever is appropriate.

3 (4)(3). Effect of Development Agreement in
4 Conjunction with a Certificate of Concurrency Reservation. A
5 Developer may enter into an Development Agreement with Palm
6 Beach County or other service provider for those public
7 facilities specifying that an Development Agreement is
8 acceptable in conjunction with the approval of a Development
9 Order and a Certificate of Concurrency Reservation or a
10 Conditional Certificate of Concurrency Reservation to ensure
11 adequate public facilities are available concurrent with the
12 impacts of development on the public facility. The effect of
13 the Development Agreement shall be to bind Palm Beach County
14 and the Developer pursuant to the terms and duration of the
15 Development Agreement to its determination pursuant to Section
16 VII.C. that adequate public facilities are available to serve
17 the proposed development concurrent with the impacts of the
18 development on the public facilities. Any Public Facility
19 Capital Improvement in the Five (5) Year Schedule of Capital
20 Improvements in the CIE on which such a Certificate of
21 Concurrency Reservation is made in conjunction with the
22 approval of a Development Order and an Development Agreement
23 shall not delayed, deferred, or removed from the Five (5) Year
24 Schedule of Improvements in the CIE, except that any Capital
25 Improvement may be deferred by one (1) year if the deferral is
26 identified pursuant to the terms of a Development Agreement.

27 (5)(4). Procedure for Review of Application.

28 a. Submission of Application. An application for
29 either an Adequate Public Facilities Determination or a
30 Certificate of Concurrency Reservation shall be submitted at
31 any time during the year, to the Planning Director, in a form
32 established by the Planning Director and made available to the
33 public, along with a fee as established by the Board of County
34 Commissioners.

1 b. Determination off Completeness and Review.

2 (1) Determination of Completeness. The

3 Planning Director shall initiate review of an application for
4 an Adequate Public Facilities Determination or an application
5 for Certificate of Concurrency Reservation upon receipt of the
6 application, and determine whether the application is complete

7
8 and includes data necessary to evaluate the application within
9 fifteen (15) days. If it is determined that the application is
10 not complete, written notice shall be served on the applicant
11 specifying the deficiencies. The Planning Director shall take
12 no further action on the application unless the deficiencies
13 are remedied.

14 (2). Determination of Review Required. The Planning
15 Director shall determine whether all providers are required to
16 review the proposed project. If the Planning Director
17 determines that two (2) or less public facilities are impacted,
18 the project may be eligible for a small project concurrency
19 review fee as established in the fee schedule. The Planning
20 Director shall consult with providers in making such
21 determinations where appropriate.

22 (3)-(2). Review and Recommendation of County
23 Departments and Service Providers. On the day the Planning
24 Director determines the application is complete, the
25 application shall be forwarded to the County Departments and
26 Service Providers for review. Within fifteen (15) days of its
27 receipt, the County Departments and Service Providers shall
28 provide a statement as to whether or not adequate public
29 facilities are available, pursuant to the standards of Sec.
30 VII.C.5 or Sec. VII.C.6, whichever is appropriate.

31 (4)-(3). Decision by Planning Director.

32 (a) Adequate Public Facilities Determination.

33 Within ten (10) days of receipt of a statement from the County
34 Departments and Service Providers regarding an application for
35 an Adequate Public Facilities Determination, the Planning

1 Director shall review the statements and the application, and
2 determine if it complies with all the Public Facility Component
3 Standards of Sec. VII.C.5. If the application complies with
4 all of the Public Facility Component Standards in Sec. VII.C.5,
5 the Planning Director shall issue an Adequate Public Facilities
6 Determination.

7 (b) Certificate of Concurrency Reservation. Within
8 ten (10) days of receipt of a statement from the County
9 Departments and Service Providers regarding an application for
10 a Certificate of Concurrency Reservation, the Planning Director
11 shall review the statements and the application, and determine
12 if it complies with all the Public Facility Component Standards
13 of Sec. VII.C.6. If the application complies with all of the
14 Public Facility Component Standards of Sec. VII.C.6, the
15 Planning Director shall issue a Certificate of Concurrency
16 Reservation. If the Planning Director determines that an
17 application fails to meet any one (1) of the Public Facility
18 Component Standards of Sec. VII.C.6, the applicant shall be
19 notified of such deficiency, and may either:

20 (1) Certificate of Concurrency
21 Reservation. Remedy the application within ninety (90) days.
22 If during the ninety (90) day period, the applicant resolves
23 the deficiencies, through conditions to be placed on the
24 Certificate of Reservation or other means acceptable to the
25 appropriate Service Provider, the application shall be
26 reconsidered by the Planning Director and approved or denied,
27 consistent with the standards in Sec. VII.C.6.

28 (2) Conditional Certificate of Concurrency
29 Reservation. Request approval of a Conditional Certificate of
30 Concurrency Reservation. A Conditional Certificate of
31 Concurrency Reservation shall be approved by the Planning
32 Director if it is demonstrated that:

33 (i) All existing available public
34 facility capacity up to, but not greater than an amount
35 sufficient to serve the proposed development has been reserved.

1 (ii) There is reasonable likelihood
2 that the balance of the Public Facility Capital Improvements
3 identified to provide the remaining capacity necessary to
4 accommodate the proposed development can be provided pursuant
5 to an ~~Development~~ Agreement;

6 (iii) The applicant requests
7 consideration and approval of an Agreement concurrent with the
8 application for a permit for which the Conditional Certificate
9 of Concurrency Reservation is required for the purpose of
10 ensuring the Certificate complies with the Adequate Public
11 Facility Standards for a Certificate of Concurrency Reservation
12 in Sec. VII.C.6, and;

13 (iv) The Conditional Certificate of
14 Concurrency Reservation is conditioned on the concurrent
15 approval of an ~~Development~~ Agreement and a Development Order
16 for the application for Development Permit that complies with
17 the Adequate Public Facility Standards for a Certificate of
18 Concurrency Reservation in Sec. VII.C.6.

19 Prior to the review Board's consideration
20 of the ~~Development~~ Agreement in conjunction with the
21 Development Application, the Planning Director shall review
22 that component of the ~~Development~~ Agreement related to the
23 provision of Adequate Public Facilities for the proposed
24 development and determine if through prior reservation of
25 Public Facility Capacity and the terms of the proposed
26 ~~Development~~ Agreement, the Adequate Public Facility standards
27 for a Certificate of Concurrency Reservation in Sec. VII.C.6
28 are met if the terms of the ~~Development~~ Agreement are approved.
29 If the Planning Director determines that the standards of Sec.
30 VII.C.6 are met if the Agreement is approved, a Certificate of
31 Concurrency Reservation shall be issued, conditioned on the
32 approval of the ~~Development~~ Agreement with the express terms
33 related to the provision of the public facilities for the
34 proposed development. Upon approval of the ~~Development~~
35 Agreement consistent with the terms and conditions which the

1 Planning Director determined would ensure compliance with the
2 requirements of Sec. VII.C.6, the Certificate of Concurrency
3 Reservation shall become final. If the ~~Development~~ Agreement
4 upon which the Certificate of Concurrency Reservation is
5 conditionally issued is denied, then the Certificate of
6 Concurrency Reservation shall expire.

7 C. APPEAL.

8 Standard. The Concurrency Review Board shall reverse the
9 decision of the Planning Director only if there is substantial,
10 competent evidence in the record that the application complies
11 with the standards of Section VII, Chapter 6, or another
12 adequate method of meeting the concurrency requirement is
13 provided and approved. In considering all technical issues
14 related to Road Facilities, the decision of the Traffic
15 Performance Standards Review Board shall be binding.

16 INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

17 The provisions of this Ordinance shall become and be made
18 a part of the Code of Laws and Ordinances of Palm Beach County,
19 Florida. The Sections of the Ordinance may be renumbered or
20 relettered to accomplish such, and the word "ordinance" may be
21 changed to "section", "article", or any other appropriate word.

22 REPEAL OF LAWS IN CONFLICT:

23 All local laws and ordinances applying to the
24 unincorporated areas of Palm Beach County in conflict with any
25 provisions of this ordinance are hereby repealed.

26 EFFECTIVE DATE:

27 The provisions of this Ordinance shall become effective
28 upon receipt of acknowledgement by the Secretary of State.
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1 APPROVED AND ADOPTED by the Board of County Commissioners
2 of Palm Beach County, Florida on the 10th day of December,
3 1991.

4
5 PALM BEACH COUNTY, FLORIDA BY ITS
6 BOARD OF COUNTY COMMISSIONERS

7 By [Signature]
8 Chairman

9
10
11
12 APPROVED AS TO FORM AND
13 LEGAL SUFFICIENCY

14
15 By [Signature]
16 County Attorney

17
18 JOHN B. DUNKLE, CLERK
19 Board of County Commissioners

20 By [Signature]
21 DEPUTY CLERK

22
23 Acknowledgement by the Department of State of the State of
24 Florida, on this, the 20th day of December, 1991.

25 EFFECTIVE DATE: Acknowledgement from the Department of
26 State received on the 27th day of December, 1991, at
27 8:38 A.m., and filed in the Office of the Clerk of the Board of
28 County Commissioners of Palm Beach County, Florida.

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31
32 [acreage.upa]
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